58-73-501 Unprofessional conduct.

Unprofessional conduct is as defined in Section 58-1-501, as defined by division rule, and also includes:

- (1) engaging in practice as a chiropractic physician after electing to place his license on inactive status, without having established with the board that he has initiated or completed continuing education necessary to reinstate active status of his license:
- (2) failing to complete required continuing professional education;
- (3) violating any of the scope of practice standards set forth in Section 58-73-601;
- (4) failing to maintain patient records in sufficient detail to clearly substantiate a diagnosis, all treatment rendered to the patient in accordance with the recognized standard of chiropractic care, and fees charged for professional services;
- (5) refusing to divulge to the division on demand the means, methods, device, or instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless that information is protected by the physician-patient privilege of Utah and the patient has not waived that privilege;
- (6) refusing the division or its employees access to his office, instruments, laboratory equipment, appliances, or supplies at reasonable times for purposes of inspection;
- (7) fraudulently representing that curable disease, sickness, or injury can be cured in a stated time, or knowingly making any false statement in connection with the practice of chiropractic;
- (8) offering, undertaking, or agreeing to cure or treat a disease, injury, ailment, or infirmity by a secret means, method, device, or instrumentality;
- (9) willfully and intentionally making any false statement or entry in any chiropractic office records or other chiropractic records or reports;
- (10) knowingly engaging in billing practices which are abusive and represent charges which are fraudulent or grossly excessive for services rendered;
- (11) performing, procuring, or agreeing to procure or perform, or advising, aiding in or abetting, or offering or attempting to procure or aid or abet in the procuring of a criminal abortion;
- (12) willfully betraying or disclosing a professional confidence or violation of a privileged communication, except:
 - (a) as required by law; or
 - (b) to assist the division by fully and freely exchanging information concerning applicants or licensees with the licensing or disciplinary boards of other states or foreign countries, the Utah chiropractic associations, their component societies, or chiropractic societies of other states, countries, districts, territories, or foreign countries;
- (13) directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually rendered or supervised, but this subsection does not preclude the legal relationships within lawful professional partnerships, corporations, or associations; and
- (14) knowingly failing to transfer a copy of pertinent and necessary medical records or a summary of them to another physician when requested to do so by the subject patient or his designated representative.

Amended by Chapter 26, 1998 General Session